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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Louis Robert Litwin

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05/12/2004

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EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2683

7

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,460

Applicant(s)

LITWIN, LOUIS ROBERT

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Beyda.

Regarding claim 1 Marks teaches a method for remotely accessing messages (see col. 7, lines 24-32). Marks teaches establishing a network connection by a wireless device to a message storage system (see col. 4, lines 3-25). Marks teaches transmitting by the wireless device a request for the messages from the message storage system (see col. 2, lines 65-67 and col. 3, lines 1-3). Marks teaches receiving by the wireless device available messages from the message storage system (see col. 3, lines 4-12). Marks does not specifically teach remotely accessing caller ID information, establishing a network connection by a wireless device to caller ID/answering machine, transmitting a request for at least one of a caller ID information, receiving by the wireless device at least one of the caller ID information or storing at least the caller ID information in the wireless device for subsequent display, when the caller ID information is displayed. Beyda teaches remotely accessing caller ID information (see col. 2, lines 37-42). Beyda teaches establishing a network connection by a wireless device to caller ID/answering machine (see col. 3, lines 55-62 and col. 5, lines 48-52). Beyda teaches

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transmitting at least one of a caller ID information and the messages (see col. 3, lines 10-15).

Beyda teaches receiving by the wireless device at least one of the caller ID information and, if desired the messages (see col. 3, lines 10-15 and col. 6, lines 35-42 & 51-55). Beyda teaches storing at least the caller ID information in the wireless device for subsequent display, when the caller ID information is displayed (see col. 3, lines 55-65 and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include remotely accessing caller ID information, establishing a network connection by a wireless device to caller ID/answering machine, transmitting a request for at least one of a caller ID information, receiving by the wireless device at least one of the caller ID information or storing at least the caller ID information in the wireless device for subsequent display, when the caller ID information is displayed because this would allow for transmission of voice messages from a remote terminal to a wireless device.

Regarding claim 11 Marks teaches a method for remotely accessing messages (see col. 7, lines 24-32). Marks teaches a transmitter for sending a request for the messages from the message storage system across a network (see col. 2, lines 65-67, col. 3, lines 1-3, and col. 4, lines 4-10). Marks teaches a receiver for receiving available messages from the message storage system (see col. 3, lines 4-12). Marks does not specifically teach remotely accessing caller ID information, a transmitter for sending a request for at least one of a caller ID information, a receiver for receiving caller ID information or a memory for storing at least the caller ID information. Beyda teaches remotely accessing caller ID information (see col. 2, lines 37-42). Beyda teaches a transmitter for sending at least one of a caller ID information and the messages (see col. 3, lines 10-15). Beyda teaches a receiver for receiving caller ID information and, if

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desired the messages (see col. 3, lines 10-15 and col. 6, lines 35-42 & 51-55). Beyda teaches a memory for storing at least the caller ID information (see col. 3, lines 55-65 and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include remotely accessing caller ID information, a transmitter for sending a request for at least one of a caller ID information, a receiver for receiving caller ID information and a memory for storing at least the caller ID information because this would allow for transmission of voice messages from a remote terminal to a wireless device.

Claims 2-7, 9-10, 12-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Beyda and Kaplan.

Regarding claim 2 Marks and Beyda teach a device as recited in claim 1 except for storing messages in a message storage area for subsequent playback on the wireless device. Kaplan teaches storing messages in a message storage area for subsequent playback on the wireless device (see col. 6, lines 65-67 and col. 7, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include storing messages in a message storage area for subsequent playback on the wireless device because this would allow for improved message retrieval when accessing a message storage device.

Regarding claim 3 Marks and Beyda teach a device as recited in claim 1 except for displaying caller ID information on the wireless device subsequent to a termination of the connection between a wireless device and a caller ID/answering machine. Beyda does teach displaying caller ID information on the wireless device (see col. 3, lines 55-65 and FIG. 1). Kaplan teaches termination of a connection between a wireless device and a message storage

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area (see col. 7, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include displaying caller ID information on the wireless device subsequent to a termination of the connection between a wireless device and a caller ID/answering machine because this would allow for automatic connection information to be obtained when a message has been received from a message storage device.

Regarding claim 4 Marks and Beyda teach a device as recited in claim 1 except for playing back the messages on a wireless device subsequent to a termination of the connection between the wireless device and a caller ID/answering machine. Beyda does a connection between the wireless device and a caller ID/answering machine (see col. 2, lines 37-42). Kaplan teaches storing messages in a message storage area for subsequent playback on the wireless device (see col. 6, lines 65-67 and col. 7, lines 1-5). Kaplan teaches termination of a connection between a wireless device and a message storage area (see col. 7, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include playing back the messages on a wireless device subsequent to a termination of the connection between the wireless device and a caller ID/answering machine because this would allow for automatic message retrieval when accessing a message storage device.

Regarding claim 5 Kaplan teaches playing back messages on a wireless device, during a connection between a wireless device and a message storage area (see col. 6, lines 65-67 and col. 7, lines 1-5).

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Regarding claim 6 Kaplan teaches receiving a user entry input by a wireless device corresponding to a selection of a caller ID entry stored in the wireless device; and automatically calling an individual corresponding to the caller ID entry (see col. 6, lines 49-55).

Regarding claim 7 Kaplan teaches a wireless communication device that is a cellular phone (see col. 2, lines 65-67).

Regarding claim 9 Beyda teaches caller ID information that is at least one of a time of a call, a date of a call, a name of a caller, and a telephone number of the caller (see col. 3, lines 55-55 and FIG. 1).

Regarding claim 10 Beyda teaches a cellular phone network (see col. 5, lines 48-52).

Regarding claim 12 Marks, Beyda, and Kaplan teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 13 Marks, Beyda, and Kaplan teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 14 Marks and Beyda teach a device as recited in claim 11 except for at least one speaker for playing back the messages on a wireless device subsequent to a termination of the connection between the wireless device and a caller ID/answering machine. Kaplan does teach storing messages in a message storage area for subsequent playback on the wireless device (see col. 6, lines 65-67 and col. 7, lines 1-5) and at least one speaker (see col. 7, lines 33-35 and FIG. 2). Kaplan does teach termination of a connection between a wireless device and a message storage area (see col. 7, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include at least one speaker for playing back the messages on a wireless device subsequent to a termination of the connection

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between the wireless device and a caller ID/answering machine because this would allow for automatic message retrieval when accessing a message storage device.

Regarding claim 15 Kaplan teaches playing back messages on a wireless device, during a connection between a wireless device and a message storage area (see col. 6, lines 65-67 and col. 7, lines 1-5) and at least one speaker (see col. 7, lines 33-35 and FIG. 2).

Regarding claim 16 Marks, Beyda, and Kaplan teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 17 Marks, Beyda, and Kaplan teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 19 Marks, Beyda, and Kaplan teach a device as recited in claim 9 and is rejected given the same reasoning as above.

Regarding claim 20 Marks, Beyda, and Kaplan teach a device as recited in claim 10 and is rejected given the same reasoning as above.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Beyda, and Ozaki.

Regarding claim 8 Marks and Beyda teach a device as recited in claim 1 except for a wireless device that is a personal digital assistant (PDA). Ozaki teaches a wireless device that is a personal digital assistant (PDA) (see col. 8, lines 10-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a wireless device that is a personal digital assistant (PDA) because this would allow for transmission of voice messages from a remote terminal to a variety of wireless devices.

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Regarding claim 20 a device as recited in claim 8 is taught above and is rejected given the same reasoning.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bowater U.S. Patent 6,282,269 discloses voice mail on the Internet.

Namekawa U.S. Patent 6,237,027 discloses electronic mail system, computer device and remote notification method.

Muller U.S. Patent 6,295,341 discloses a network based voice mail with call screening.

Astarabadi U.S. Patent 5,822,405 discloses automated retrieval of voice mail using speech recognition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 6, 2004



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